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Attorneys for Defendant JPMorgan Chase Bank, N.A.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS FINANCIAL
SERVICES, INC.,

Plaintiff,

v.

ARTHUR KUPPERMAN, E. ROSS BROWNE,
PAULETTE KRELMAN, PGB
INTERNATIONAL, LLC, and JPMORGAN
CHASE BANK, N.A.,

Defendants,

and

JOHN DOES (1-10) and ABC CORPORATIONS
(1-10),

Additionally Defendants
on the Crossclaim.

CIVIL ACTION

Civil Action No. 06-4802 (DMC)

**NOTICE OF CROSS-MOTION FOR
PARTIAL SUMMARY JUDGMENT
AND RELATED RELIEF**

**Oral Argument Requested if
Opposition Received**

TO: All persons on the attached service list.

PLEASE TAKE NOTICE that on December 11, 2006 at 10:00 am, or as soon thereafter as counsel may be heard, defendant JPMorgan Chase Bank, N.A. ("Chase"), by and through its attorneys, Herrick, Feinstein LLP, shall cross-move before the Honorable Dennis M. Cavanaugh, U.S.D.J., at the United States District Court, 451 U.S. Post Office Courthouse Building, Federal Square, Newark, New Jersey, for the entry of an Order pursuant to Federal Rule of Civil Procedure 56 (i) declaring and adjudging that Chase holds a first priority security

interest with respect to all assets of defendant PGB International, LLC (“PGB”) and entering judgment on Chase’s Counterclaim against plaintiff Merrill Lynch Business Financial Services Inc. (“MLBFS”); (ii) directing any person or entity owing money to PGB to pay such money directly to Chase; (iii) declaring and adjudging that the writs of attachment entered this action are for the benefit of both Chase and MLBFS and, on any judgment entered in this action, Chase is entitled to recover on a first priority basis against PGB and ratably with MLBFS from any remaining assets; (iv) granting summary judgment to Chase on the First Count of its Crossclaim against PGB, E. Ross Browne (“Browne”) and Paulette Krelman (“Krelman”) for all sums due and owing from PGB, Browne and Krelman to Chase, which total \$2,691,664.75 as of November 27, 2006, together with interest from and after November 27, 2006 at Chase’s prime rate plus 3% until the date such judgment is satisfied, and costs to be taxed, and attorneys’ fees in an amount to be subsequently determined by the Court; (v) granting summary judgment to Chase on the Tenth Count of the Crossclaim against PGB, Browne, Krelman and Arthur Kupperman (“Kupperman”) for treble damages in the amount of \$8,074,994.25 as of November 27, 2006, together with interest from and after November 27, 2006 at Chase’s prime rate plus 3% until the date such judgment is satisfied, costs and attorneys’ fees, pursuant to the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1961, et seq.; and (vi) certifying the judgment as final pursuant to Federal Rule of Civil Procedure 54(b).

PLEASE TAKE NOTICE that in support of its cross-motion, Chase shall rely upon the accompanying memorandum of law, declarations of John M. August and Wayne E. Olson and statement of undisputed material facts. A proposed form of Order is attached. Oral argument is respectfully requested in the event opposition is received.

HERRICK, FEINSTEIN LLP
Attorneys for JPMorgan Chase Bank, N.A.

By: /s/ John M. August
John M. August

Dated: November 27, 2006

SERVICE LIST

George R. Hirsch, Esq., *Attorney for creditor Merrill Lynch Business Financial Services Inc.*

Vincent Frank Papalia, Esq., *Attorney for defendant E. Ross Browne*

Frederick Benno Polak, Esq., *Attorney for defendant Paulette Krelman*

A. Michael Covino, Esq., *Attorney for defendants PGB International LLC and Arthur Kupperman*

John P. Gleason, Esq., *Attorney for Interested Party Empress Lourdes, S.A.*